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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,966	08/26/2003	Friedrich Siebers	NY-SCHT 216.1-US	2851
24972	7590	06/07/2005	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			VINCENT, SEAN E	
			ART UNIT	PAPER NUMBER
			1731	
DATE MAILED: 06/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,966

Applicant(s)

SIEBERS ET AL.

Examiner

Sean E. Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/068,804.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babcock et al (US 4285728) in view of Okamoto (JP B2 07-37334).
3. Babcock et al taught methods of forming lithium-aluminum-silicate glasses into parabolic telescope mirror blanks and heat treating the glass to form beta-eucryptite and beta-spodumene (see figures and examples, especially col. 28, line 28 to col. 29, line 2 and the claims). Babcock et al taught casting of shapes that were ground to the appropriate parabolic curvature. Babcock et al did not teach pressing molten glass with a smooth surfaced ram into a parabolic contour. Okamoto taught pressing of "reflection mirror substrates" from lithium-aluminum-silicate glasses and heat treating the glass to form beta-eucryptite and beta-spodumene such that a smooth surface was produced (see English language translation provided by the applicant, page 3, lines 35-38; page 4, lines 1-25 and pages 5 and 6 in their entirety). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to directly press the parabolic mirror substrates of Babcock et al such as in Okamoto because Okamoto taught that it avoided difficult and costly grinding or polishing steps. Likewise, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to expect the mirror substrates of Okamoto to have a parabolically contoured surface because Babcock et al taught that such shapes were useful in telescope mirrors.

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4. With regard to claims 23 and 24, Okamoto specifically states times and temperatures in the examples which fall in the claimed ranges. Furthermore, Babcock et al and Okamoto each provided ample suggestive matter to permit a person of skill in the art to determine heat treatments for the particular proportion of crystalline content desired.

Response to Arguments

5. Applicant's arguments filed March 3, 2005 have been fully considered but they are not persuasive.

6. In response to the argument that nothing in Okamoto relates to the using of a ram with a smoothened surface, the examiner disagrees. By disclosing that the body of Okamoto was pressed, and the body was not ground or polished, Okamoto clearly indicates that the pressing means was smooth enough to impart the smooth surface to the body. This is more than a fair suggestion of a "ram with a smoothened surface". Okamoto even cautions against using nucleation and crystallization heat treatments at temperatures which are too high because high temperatures were found to roughen the smooth surface of the formed body. The *prima facie* case of obviousness is established because Okamoto teaches an improvement over the casting/grinding/polishing method of Babcock. The avoidance of difficult and time consuming mechanical working steps would logically bring about a cost and time savings.

7. The applicant has stated in the arguments that "A pressing method using a ram with a smoothened surface is a very special pressing method and can only be used under certain conditions and only with certain glass formulations". The prior art formulations and conditions appear to be the same as those which are claimed. The applicant has failed to explain why the

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combined teachings of Okamoto and Babcock would not be successful in such a "very special pressing method."

Conclusion

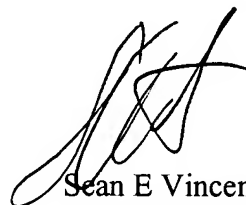
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Vincent whose telephone number is (571) 272-1194. The examiner can normally be reached on M - F (8:30 - 6:00).

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sean E Vincent
Primary Examiner
Art Unit 1731

S Vincent
June 4, 2005